

LATONIA SMITH
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LAS VEGAS, NV 89166
725-203-2455
PLAINTIFF IN PROPER PERSON

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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COUNSEL/PARTIES OF RECORD	
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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

LATONIA SMITH,

Plaintiff(s),

-vs-

CASE NO. 2:19-cv-00856-DJA

CAESARS ENTERTAINMENT
CORPORATION, a Delaware corporation;
PHWLTV, LLC d/b/a PLANET HOLLYWOOD
RESORT AND CASINO, a Nevada limited
liability company; SHANNON PIERCE;
ETHAN THOMAS,
Defendant(s).

**REPLY TO DEFENDANT SHANNON PIERCE'S OPPOSITION TO PLAINTIFF'S
MOTION FOR SANCTIONS; MOTION TO STRIKE IRRELEVANT ARGUMENTS AND
EVIDENCE AND/OR SEAL THEM**

Plaintiff moves to strike **Exhibits A-D** as they have nothing to do with Plaintiff's Motion for Sanctions, which is based on defense's May 28, 2019 filing of Plaintiff's medical records in Federal Court. Defense is only attempting to inappropriately pack the record with one-sided evidence by attaching it onto motions that have nothing to do with the exhibits he attaches. **Defense's baseless assertion that the Plaintiff filed her medical records publicly herself is equally vexatious and malicious**, and Plaintiff requests that the court strike his baseless assertion and any references to this assertion from the

1 record. The court may grant a motion to strike where it injects irrelevant or immaterial
2 evidence/arguments into any pleading. **Defense's** attitude also highlights why sanctions
3 are warranted in this case. Mr. Alex Fugazzi (being vexatious as he has been from the
4 start of this litigation) attaches a few pages from a deposition where a lying, unethical
5 being and the leader of his firm (both of whom are actively avoiding service) purports
6 statements that are outright falsities. As relayed by Mrs. Peruzar, subjects were
7 deposed because they were actively engaged in attorney misconduct (due to Mormon
8 relationships which reigned superior). The very fact that each statement this being gives
9 **begins with "believes" is not surprising, as he would** have been perjuring himself
10 otherwise. Ms. Smith has never had any such conversations with this being and has
11 never conversated with any attorneys concerning Mrs. **Peruzar or Mrs. Peruzar's case**
12 for any reasons. **Ms. Pierce's affidavit doesn't fall too far from the tree and it is as**
13 believable as the U.S. debt being \$0. Nevertheless, since the attached evidence and
14 related arguments have nothing to do with the motion for sanctions before the court,
15 Plaintiff will not address it further. The challenged statements and evidence are
16 irrelevant, and improper, and should be stricken. In the alternative, however, they
17 should *at minimum* be sealed to further protect Ms. Smith who has been continually
18 maligned by those working with defendants spewing malicious accusations that are
19 speculative and not based in any fact or reality.

21 **Plaintiff's motion for sanctions actually deals with defense's public filing of**
22 **Plaintiff's medical records on May 28, 2019. Defense filed Plaintiff's records publicly, on**
23 purpose, even after knowing that such records were to remain confidential and under
24 seal since May 3, 2019. Nevada Rules Governing Sealing and Redacting Records
25 (3)(2) governed the confidentiality of these records and the records were further sealed
26 fully (Per Mrs. Peruzar the motion was fully granted, not granted in part as Mr. Fugazzi
27 misrepresents to this Court). **Mr. Fugazzi's actions, publicly refiling** the records (whether
28

1 directly or indirectly) **containing Plaintiff's personal information and** then further
2 asserting that the court take judicial notice of such records amongst other contentious
3 documents, were done with actual malice. Fugazzi then filed the records again as a part
4 of his frivolous emergency motion in an attempt to support his new, desperate, and
5 erroneous argument that Ms. Smith is crazy and should not be allowed to depose his
6 clients. His actions clearly show a blatant disregard for the rules, a lack of ethical
7 behavior, attorney misconduct, and the fact that he is deeply (and unhealthily)
8 emotionally involved and unhinged in this action. This court has the inherent power to
9 sanction Mr. Fugazzi and his firm for their unethical and vexatious actions, and such
10 **sanctions are warranted in this case to quell Mr. Fugazzi's unhinged behavior** (including
11 up to removing Mr. Fugazzi from this case).

12
13 Pierce and her firm were also admonished by the Nevada Courts for irrelevantly
14 **filing Plaintiff's medical records** in the public domain on purpose and with malicious
15 intent, so Mr. Fugazzi was also under fair notice and still presented a pleading, in bad
16 faith, containing the records for the improper purpose to harass Ms. Smith (**rule 11**).

17 What is evident is that Mr. Fugazzi did not deny that he knew the records were
18 confidential and under seal when he filed them publicly and *continued* to use the
19 records in filings, and defense refused to address his actions that are at issue in
20 **Plaintiff's** motion for terminating sanctions. In fact, **defense's own opposition (further**
21 **precluding irrelevant exhibits and arguments)** illustrates why sanctions are warranted.
22 Defense is intricately involved with his client and was aware that he could not file/use
23 **Plaintiff's medical records**. Even after filing the records, instead of correcting the
24 actions, defense filed the records *again* and the surrounding purposes for which
25 **defense filed the records again clearly show that defense's only intention is to**
26 **inappropriately harass Ms. Smith; there is no doubt.**
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1 For the foregoing reasons, **and specifically Mr. Fugazzi's non-denial** of the
2 wrongdoing and the clear fact that defense did commit the wrongdoing, Ms. Smith
3 requests that this Court use its inherent power to grant appropriate sanctions against
4 Mr. Fugazzi (including up to removing Mr. Fugazzi from this case).

5 Dated this 29th day of August 2019
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8

9 /s/ Latonia Smith
10 LATONIA SMITH
11 9748 CANYON LANDING
12 AVE.
13 LAS VEGAS, NV 89166
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CERTIFICATE OF SERVICE

I certify that I am serving a true and correct copy of the attached REPLY TO OPPOSITION FOR SANCTIONS on the parties set forth below by:

_____ placing an original or true copy thereof in a sealed envelope with the correct prepaid postage affixed for collection and mailing in the United States Mail, at Las Vegas, Nevada.

 X Certified Mail, Return Receipt Requested of the document(s) listed above to the person(s) at the address(es) set forth below

_____ E-service

_____ Personal delivery through a process server of the document(s) listed above to the person(s) at the address(es) set forth below

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 /s/ Latonia Smith

Plaintiff, In Proper Person

Dated this 29th day of August 2019